GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

HM & FW Department – Common orders of the Divisional Bench of Hon'ble High Court orders dated:20.11.2018 in WP No.20691, 20700, 20701, 20702 and 21086 of 2012 read with the orders dated:18.11.2022 in SLP (C) No.24176/2019 of the Hon'ble Supreme Court of India – Certain Doctors who were initially appointed and paid on daily honorarium basis and subsequently appointed as regular Civil Assistant Surgeons – Treating the period of temporary service rendered by them from the date of their initial appointment as qualifying service and count the service for the purpose of pensionary benefits with all consequential benefits like automatic advancement scheme etc. - Permission accorded to implement the common orders dated:20.11.2018 to Dr. S.Seshagiri Babu and Dr.T.Sashikala who filed CC No.781/2024 in WP No.20700/2012 & CC No.782/2024 in WP No.20701/2012 in OA.Nos.4139 and 3741 of 2009, respectively - Orders – Issued

HEALTH MEDICAL AND FAMILY WELFARE (B1) DEPARTMENT

G.O.Rt.No.528 Dated:20.08.2024

Read the following:-

1. Orders of Hon'ble APAT, Hyderabad in O.A. No. & 4139/2009 and 3741/2009 dated:06.04.2011.
2. Common Order of Hon'ble High Court, A.P., in WP No.20691, 20700, 20701, 20702 and 21086 of 2012, dated:20.11.2018.
3. Orders of Hon'ble Apex Court in SLP (C) No.24176/2019 dated:18.11.2022
4. From the DPH&FW, A.P. Vijayawada, Lr.Rc.No.8711/E6.A (Honorarium)/ 2019, dated:25.04.2023.
5. G.O.Rt.No.611, HM&FW(B) Department, dated:02.08.2023.
6. G.O.Rt.No.315, HM&FW(B) Department, dated:02.05.2024.
7. Notice dated:02.05.2024 issued in CC. Nos. 781 & 782 of 2024.

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O R D E R:-

In the reference 1st read above, the Hon'ble APAT has allowed the plea of Certain Doctors who were initially appointed and paid on daily honorarium basis and subsequently appointed as regular Civil Assistant Surgeons to regularize their services w.e.f. the date of their joining duty by taking into account for all purpose including seniority , Probation, pension and leave and accordingly directed the respondents to take the said period as qualifying service for calculating the pension of the applicants and also special grade sanction of 8/16 years scales under automatic advancement scheme and also for the purpose of pensionery benefits.

2. Government have filed various Writ Petitions seeking to quash the orders dated 16.3.2011 passed in OA No.9017 of 2008, and dated 30.03.2012 passed in OA No. 1807 of 2012 by the APAT by issuing Writ of Certiorari. Thus, in the reference 2nd read above, the Hon'ble High Court of Judicature of Hyderabad for the State of Telangana and the State of Andhra Pradesh had dismissed all the W.Ps. saying that, "we see no reason to interfere with the impugned orders

(P.T.O)

passed by the Tribunal allowing the OAs. filed by the respondents respectively. The WPs are devoid of merit and liable to be dismissed. Petitioners shall pay the arrears of pension and other benefits to the respondents within a period of eight weeks from the date of receipt of a copy of this order".

3. On preferring of Appeal in SLP (c) No.24176 of 2019, the Hon'ble Supreme Court of India in the reference 3rd read above, had disposed of the same, saying that, "in the facts and circumstances of the case more particularly, taking note of the fact that a similar petition bearing SLP (c) No. 16325 of 2016 has already been dismissed by this court on 11.07.2016, we see no reason to interfere with the impugned order (s). However, the question of Law, if any, kept open to be adjudicated in an appropriate circumstance."

4. In the reference 4th read above, the DPH & FW , AP, Vijayawada has furnished necessary proposals for issue of necessary orders, since Government is competent to sanction any monetary benefits to the retired Government servants and doctors in the cadre of CAS/Dy.CS/CS and which requires concurrence of the Finance Department.

5. In the reference 7th read above, Dr. S.Seshagiri Babu and Dr.T.Sashikala who are the petitioners in OA No.4139 of 2009 & OA No.3741 of 2009 as well as the respondents in WP No.20700 of 2012 & WP No.20701 of 2012, respectively have filed contempt cases vide CC No.781 & 782 of 2024 with a plea to punish the respondents for not implementing the common orders dated:20.11.2018 to them. As such, the Hon'ble High Court of AP had post the matter after summer vacation, 2024 for compliance.

6. Government, after careful consideration of the matter, hereby accord permission to the DPH&FW, AP to implement the common orders dated:20.11.2018 passed in WP No.20691, 20700, 20701, 20702 and 21086 of 2012 to Dr. S.Seshagiri Babu and Dr.T.Sashikala who filed CC No.781/2024 in WP No.20700/2012 in OA.No.4139/2009 & CC No.782/2024 in WP No.20701/2012 in OA.No.3741/2009, respectively.

7. This order issued with the concurrence of Finance (HR.I&Plg) Department vide their U.O.No. FIN01-HR0PDPP/68/2024-HR-I (2396976), Dated:02.08.2024.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr MANJULA D HOSMANI
SECRETARY TO GOVERNMENT

To
The Director of Public Health &Family Welfare, Vijayawada.
Copy to:
The Director, Directorate of Secondary Health, Tadepalli, Guntur District.
The Director of Medical Education, A.P., Vijayawada.
The OSD to M(HFW&ME)
The PS to Spl.CS to Government, HM&FW Department.
The PS to Secretary to Government, HM&FW Department.
The Government Pleader for Services-IV, APHC (in CC No.781 & 782 of 2024).
Sf/Sc(2313210).

//FORWARDED :: BY ORDER //

V. Koteswara Rao
SECTION OFFICER